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RUEHCV/AMEMBASSY CARACAS 0105  
RUEHLP/AMEMBASSY LA PAZ 0017  
RUEHMN/AMEMBASSY MONTEVIDEO  
RUEHPE/AMEMBASSY LIMA  
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RUEHRI/AMCONSUL RIO DE JANEIRO  
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SUBJECT: SAO PAULO ACTIVISTS DESCRIBE AFRO-BRAZILIAN CHALLENGES

REF: SAO PAULO 602; SAO PAULO 601

¶1. (SBU) Summary: Key human rights and antidiscrimination contacts spoke with visiting Equal Employment and Opportunity Commission (EEOC) Acting Chairman Stuart Ishimaru October 20 in the run-up to the Joint Action Plan Against Racism (JAPER) meeting in Salvador October 21. While all saw improvements in education, labor and the legal arena for Afro-Brazilians, the contacts stressed that the community still faced multi-level social marginalization. Ishimaru pressed our interlocutors to develop more demographic data so that they could know exactly where, in hard numbers, Afro-Brazilians stand in today's Brazil. End summary.

#### AFFIRMATIVE ACTION AND ITS FRUITS

¶2. (U) Executive Director of the Research Center on Labor Relations and Inequality (CEERT) Maria Aparecida Silva Bento, CEERT Legal Counsel Daniel Teixeira, CEERT Education & Public Policy Coordinator Billy Malachias, and CEERT Communications head Rosangela Malachias told Acting Chairman Ishimaru the ongoing debate over affirmative action in Brazil could be more robust and inclusive. They noted that the experts the media consults on this issue are often white persons. Teixeira lamented that, unlike the U.S., affirmative action has barely had time to provide quantifiable data and already Brazilian critics are clamoring for its end. The first crop of Brazilian university graduates who have benefited by affirmative action programs are now entering the labor market. CEERT members want to see how they will fare. (NOTE: Private sector contacts often claim there are not enough qualified Afro-Brazilian graduates to hire. END NOTE.) At the request of the banking sector, CEERT recently conducted a massive study to increase diversity in the sector. They discovered most Afro-Brazilians worked among the lower ranks and earned less than white colleagues.

#### LATE TO THE GAME: UNIONS AND ANTI-DISCRIMINATION POLICIES

¶3. (SBU) Labor sector representatives stated that unions had only begun to focus on racial inequality in the last decade as labor leaders realized that the issues unions champion (wages, health

care, working conditions) overlap with race. To better address racial issues, the three major labor unions in Brazil, Union Movement (FS) General Union of Workers (UGT) and Sole Center of Workers (CUT) with the help of the AFL-CIO and the Interamerican Regional Organization of Workers (ORIT) created the Interamerican Institute for Racial Equality (INSPIR) in 1995. INSPIR takes three-pronged approach to labor/race issues. It promotes anti-discriminatory policies within unions, promotes anti-racism in collective bargaining and tries to influence public policy. In response to Acting Chairman Ishimaru inquiry about the demography of unions, INSPIR reps conceded that, although there are some black union leaders, none of the major labor federations (CUT, UGT, FS) know the racial demographics of their own organizations.

#### THE LIMITS OF LEGAL RECOURSE

14. (SBU) Although Brazil has a stringent anti-racism law, known as Cao's Law (Lei Cao), contacts told Acting Chairman Ishimaru that Brazilians do not know their rights, police are unaware of how to enforce anti-discrimination law, and prosecutors are unsure of how to or unwilling to prosecute offenders. (NOTE: In Brazil it is illegal to call someone a racial epithet or perform any racist act. END NOTE.) Brazilian Bar Association representative Alvarenga noted that police, prosecutors and judges find the punishment for

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racism disproportionately high in relation to the crime. Thus, racist crimes are often registered as slander (injuria), which carries significantly lighter sanctions. Further obscuring the effectiveness of the law is the fact that there are no official numbers for cases prosecuted under Cao's Law.

#### TROUBLE RISING TO THE TOP

15. (SBU) Even well educated Afro-Brazilians like Brazilian Bar Association Black and Anti-Discriminatory Issues Commission (CONAD) representative Marco Antonio Zito Alvarenga told Acting Chairman Ishimaru that he had trouble rising to the highest ranks of mainstream professional organizations. A group of black lawyers, led by Zito, noted the lack of Afro-Brazilian representation among the bar association's board of directors and the State and Federal Council and expressed hope more Afro-Brazilians would be selected in the upcoming association elections.

#### FORWARD MOVEMENT

16. (U) Nevertheless, contacts highlighted some positive signs in Afro-Brazilians' struggle for equal opportunity under the law. CEERT created the Education for Racial Equality Award in 2001 to recognize teachers who address race in the classroom in innovative ways. The first contestants were mostly Afro-Brazilian but now many teachers of Caucasian and other racial backgrounds submit projects and win the award, according to Billy Malachias. The unions' interest in inserting language about racial equality into collective bargaining agreements represents another step forward. Similar clauses on gender issues that started as part of public sector unions' collective bargaining agreements later became national law. While the Cao's Law has implementation issues, people do file and win cases, as with the black receptionist whose employer called her "monkey." Sao Paulo courts found him guilty of racism and awarded a \$3,600 judgment in the receptionist's favor in 2007.

#### BANKING ON PRE-SAL

17. (SBU) The Afro-Brazilian community hopes to exploit the recently discovered oil reserves off Brazil. Rosana Aparecida da Silva of CUT's Anti-discrimination Secretariat was adamant about keeping pre-salt monies in Brazil. According to her, a nationalistic approach would keep natural resources and technical jobs in Brazil and generate jobs as well as monies for public policies to help marginalized groups like Afro-Brazilians.

COMMENT: THE NEED FOR HARD NUMBERS

18. (SBU) Sao Paulo anti-discrimination organizations stressed the need for consistent and constant pressure in order to bridge the huge gaps Afro-Brazilians face in labor, education, healthcare and equal access to the law. One constant theme was the absence of demographic information relating to Afro-Brazilians. Ishimaru repeatedly asked about the numbers of Afro-Brazilians in government, education, labor, the legal profession, etc. In response, the contacts had rough guesses or, as in the case of INSPIR, could not provide numbers. In addition to legal, social, and political hurdles, the inability to quantify where Afro-Brazilians stand in terms of inclusion, remains a fundamental impediment to applying affirmative action policies to maximum effect.

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19. (U) EEOC Acting Chairman Ishimaru cleared on this cable.  
White